

## **EXHIBIT 52**

### **MEDIA RELEVANT TO**

**Petition for Emergency Action Pursuant to the Safe Drinking Water Act, 42 U.S.C. §300i, to Protect the Citizens of Kewaunee County, Wisconsin from Imminent and Substantial Endangerment to Public Health Caused By Nitrate and Bacteria Contamination of an Underground Source of Drinking Water, and Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9604, and Resource Conservation and Recovery Act, 42 U.S.C. § 6973**

Our View | Groundwater Pollution

## EPA investigation into Kewaunee County runoff pollution is warranted

Oct. 27, 2014

Having the federal Environmental Protection Agency look into groundwater pollution issues in Kewaunee County could give regulators a better handle on what is happening and why it's happening. It also could give regulators a better idea of whether the current system is sufficient for the task when it comes to regulating runoff pollution from farms, including the large operations that are sprouting up all over the state.

The request for a federal investigation was made last week by six environmental groups that argue the state Department of Natural Resources has failed to protect drinking water in the county through its oversight of large-scale cattle operations and its regulation of groundwater pollution. The EPA has taken the request under review. The request may have political overtones, coming as it does just a couple of weeks before the election, but we still think a federal investigation is warranted.

A DNR spokesman told the Journal Sentinel that the "DNR operates its permit programs to meet all requirements of current laws and rules." And representatives of the large farming operations have said that such farms are under more regulation than other industries, including smaller farms, which also contribute to pollution from manure from cows and from the spreading of fertilizer.

All that may well be true — and overall we think the DNR's regulatory approach under Gov. Scott Walker is reasonable — but if groundwater pollution is getting worse and contributing to dead zones in the waters of Green Bay, something is wrong and needs to change.

Last year, 149 wells, or nearly 31% of the 483 wells tested in the county, contained bacteria or nitrates — or both — that exceeded state and federal public health standards. In the Town of Lincoln, half the wells tested exceeded the standard, according to the petition.

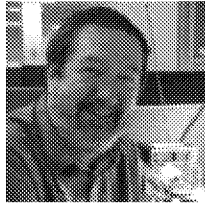
Such results indicate that there's a problem even if the farms are being regulated and even if the DNR is doing the best job it can. A federal investigation could help clear that up and perhaps point the way toward a better system.

**Find this article at:**<http://www.jsonline.com/news/opinion/epa-investigation-into-kewaunee-county-runoff-pollution-is-warranted-b99378987z1-280580912.html>☐ Check the box to include the list of links referenced in the article.

# Manure spill near Chilton could harm wells, state says

DECEMBER 11, 2014 9:45 AM • BY BILL NOVAK | MADISON.COM

**BILL NOVAK | MADISON.COM**



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A liquid manure spill Wednesday on a farm in northeast Wisconsin could have an impact on groundwater.

Private well owners are being advised by the state Department of Natural Resources to keep a close watch on water quality and to report any change in color or odor.

The spill was reported at the Meyer Dairy and Grain Farms, near St. Charles Road and Highway G in the town of Brothertown in Calumet County.

DNR and local officials worked fast to contain the spill, blocking culverts to hold the manure back on the site and bringing vacuum trucks in to collect the liquid manure.

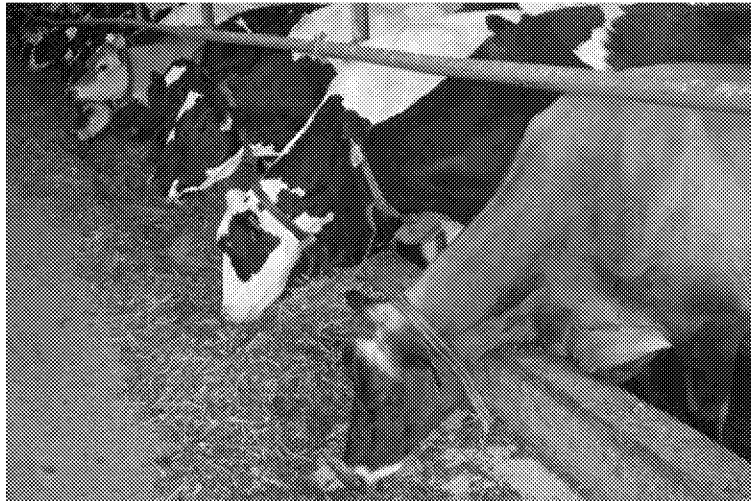
"There's a risk to groundwater due to shallow bedrock in the area," the DNR said in a news release.

The DNR didn't say how much liquid manure was spilled or how the spill happened.

# Dairy Farms Accused Of Contaminating Water Supply In Wisconsin

*By Sara Jerome*  
@sarmje

Credit: Water online



A coalition of environmentalists petitioned the federal government to crack down on dairy farms that are allegedly polluting the water supply in Wisconsin.

"Prompt and decisive emergency action from EPA under the Safe Drinking Water Act is needed in Kewaunee County, Wisconsin," the coalition of environmental groups wrote in the petition. "Kewaunee County has an extensive and well-documented history of nitrate and bacteria contamination in the regional groundwater aquifer, which is the sole source of drinking water for approximately 95 percent of the county's population."

It is "all too common" for local wells to serve brown, foul-smelling water, according to the petition.

"As of June 2013, nearly a third (30.85%) of tested wells in the county contained bacteria, nitrate, or both at levels that exceed state and federal public health standards," the petition said.

Blaming the 200 dairies that are local to the county, the groups called on the EPA to take action.

"The threat to public health in Kewaunee County due to nitrate and bacteria pollution of groundwater is present, pervasive, and unlikely to change absent EPA action," the petition said.

What kind of action are the environmentalists looking for?

"The groups are hoping that EPA will act as it did in 2013 in Washington's Yakima Valley. The EPA, using its authority under the Safe Drinking Water Act, negotiated with five dairies to change their manure handling practices after finding that dairies were the likely source of nitrate pollution," according to the Wisconsin Center for Investigative Journalism.

The coalition includes Clean Wisconsin, Midwest Environmental Advocates, Midwest Environmental Defense Center, the Environmental Integrity Project, Clean Water Action Council of Northeastern Wisconsin, and Kewaunee CARES, the report said.

In the Yakima Valley saga, the EPA eventually won an agreement from the dairies to be more environmentally-conscious. The agreement concluded "months of negotiations that began after an agency report in September labeled the dairies likely sources of nitrate contamination in private drinking water wells," the *Yakima Herald* reported.

For more on policy and politics, check out Water Online's Regulations & Legislation Solution Center.

**Source:** Door Countys Peninsula Pulse

Remove Images

## Seven Sickened By Tainted Wells

County forms manure study group

by Jim Lundstrom

**November 14, 2014**

A young family visiting Door County for a weekend in mid-September were the subject of a public health investigation when they returned to their Calumet County home and their four-month-old daughter came down with an illness that was identified as E. coli bacteria from a bovine source.

"The department of health got involved. They asked me where I was. That was several phone calls, to try to narrow it down," said the infant's mother (she asked that we not use their names).

It turns out the family had stayed that weekend at a West Jacksonport home now identified as in the area of concern for well contamination after a Sept. 8 manure spreading session that included spreading into a sinkhole. This was the Monday after torrential rains wreaked havoc and saturated the landscape.

"I used well water to make her bottles," she said. "No odor or color to the water. There was no sign."

And there was no sign in the baby that she was ill until the family returned to their Calumet County home. Then she started exhibiting signs of food poisoning and was brought in for a medical examination, where it was determined that she was infected with E. coli.

"The department of health nurse said since the E. coli was combined with a campylobacter bacteria, that's really indicative of a bovine source. They were able to track it to the source based on the type of bacteria in the water."

The mother said she does not understand why manure spreading is not more regulated.

"Especially with the fractured bedrock and shallow soil. It doesn't take much for it to get in the groundwater."

Reporting on the West Jacksonport well contamination at the Nov. 10 meeting of the Door County Board of Health, Door County Health Officer Rhonda Kolberg said drinking manure-contaminated well water in the area of concern after Sept. 8 sickened a total of seven people.

"They were spreading as they normally would. They spread into a sinkhole, which they should not have done," Kolberg said. "We found out about it because the people with the affected well called DNR, and their water was brown and foamy."

Mark Borchardt, the U.S. Department of Agriculture microbiologist who helped track down the 2007 source of contamination at The Log Den when 211 customers and 18 employees were struck with gastro-intestinal illness from norovirus at the recently opened restaurant (the outbreak was eventually traced to the restaurant's new septic system), did the viral testing of the West Jacksonport wells.

"He was trying to find a correlation between manure and the water," Kolberg said. "He did determine it was bovine contamination."

Kolberg said Borchardt will be doing more research in Door and Kewaunee counties. "He's a very good scientist and one of the top people in this," she said.

University of Wisconsin-Oshkosh geology professor Maureen Muldoon said she and Borchardt are working on a grant application

to study viral contamination in Door and Kewaunee counties.

"We know if it's less than 10 feet to bedrock and you spread manure, it's going to go into the aquifer, we know that," she said.

Muldoon was also part of the karst task force, which released a report in 2007 warning about groundwater contamination if the standards were not raised.

Muldoon said there was a lot of activity and media coverage when the report was issued, and it had an effect among the converted in county conservation departments and industry experts, but nothing really happened legislatively and it "died on the vine."

Kevin Erb, Conservation Professional Development and Training Coordinator for UW-Extension, served a lead role on the karst task force. He said both Brown and Calumet counties actually did take up some practices outlined by the task force.

"There have been some significant changes that have occurred, but a lot of recommendations that were not implemented," he said. "But, overall, progress has been made."

Unfortunately, he said, it often takes a contamination incident to wake people up to the reality of the fragile situation.

At the recent Board of Health meeting, Kolberg announced that Door County has formed a manure study group, which held its first meeting on Nov. 5.

"We looked at the goal, to address groundwater quality and health issues related to manure spreading in Door County," she said.

The task force wants to make the issue of too much manure on a karst landscape one of the top issues for the biennial Door-Kewaunee Legislative Days, when a group is tasked to meet with lawmakers in Madison to impress the importance of Door-Kewaunee issues on them.

Kolberg said this was attempted in the past, to ask the state to forget the one-size-fits-all agricultural rules and recognize that different parts of the state have different challenges, and that this region should be designated a karst area, with special provisions related specifically to that fragile environment.

"It would allow us to have different regulations based on our geology," she said.

"I hope there is a sense of urgency about this thing, because we are a unique and separate environment up here," said committee member and county board supervisor Mark Moeller.

"It's a political issue and it needs support from the county board," said committee member and county board supervisor Roy Engelbert.

Kolberg pointed out that public health is all about gaining knowledge. "Things that were once acceptable become unacceptable," she said.

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#### DNR Well Funds Available

A Nov. 7 letter from the Wisconsin Department of Natural Resources to "Affected Residents" of the early September manure-spreading incident in West Jacksonport designates a "Special Area of Well Compensation Eligibility."

"The area is based on confirmation that existing wells were found to contain bovine bacteria and E. Coli in samples collected September 15th and 24th, 2014, indicating grazing animal contamination," the letter states.

It goes on to let residents know they "may be eligible for financial assistance from the DNR for the purpose of installing a new replacement well and permanently abandoning (filling & sealing) their existing contaminated well."

The basic eligibility?

Your family income for the previous year was \$65,000 or less.

The letter goes on to state, "By law, the total grant award may not exceed \$9,000, unless your income is below the median family income for your county, in which case you may be eligible for an additional grant through the DNR's NR 738 Hardship funding program."

A similar letter went out to Wisconsin licensed well drillers.

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#### Contamination Vulnerability

- Less than 5 feet to carbonate bedrock, and/or closed depressions or any drainage areas that contribute water to sinkholes/bedrock openings – extreme vulnerability to contamination.
- 5-15 feet to carbonate bedrock – high vulnerability.
- 15-50 feet to carbonate bedrock – significant vulnerability.
- Greater than 50 feet to carbonate bedrock – moderate vulnerability.

Source: 2007 Karst Task Force report

## **EPA looking into contamination in Kewaunee Co.**

*Posted: Oct 23, 2014 7:20 AM CDT Updated: Nov 07, 2014 7:20 AM CST*

KEWAUNEE (AP) -- Six environmental groups want federal regulators to investigate groundwater contamination in Kewaunee County.

The groups have petitioned the U.S. Environmental Protection Agency to exercise emergency powers under the Safe Drinking Water Act to investigate their concerns. The petitioners say the state Department of Natural Resources has failed to protect the drinking water for residents of Kewaunee County, which is home to about 200 dairy farms, including 15 large-scale operations.

The county tested 483 wells last year and found nearly 31 percent contained bacteria or nitrates that exceeded state and federal health standards.

An EPA spokeswoman tells the Journal Sentinel the agency is reviewing the groups' petition. The organizations include Clean Wisconsin, Midwest Environmental Advocates and the Clean Water Action Council of Northeastern Wisconsin.

# **Communities to consider manure-spreading regulations**

Peter J. Devlin, Advocate correspondent, Green Bay Press Gazette 7:28 a.m. CDT  
October 25, 2014

A Madison-based environmental advocacy group this week petitioned for U.S. Environmental Protection Agency intervention over contamination of wells in Kewaunee County.

The request for federal involvement comes as a local group, Clean Water Action Council of Northeast Wisconsin, has had members appear at town meetings in Door County urging adoption of regulations concerning the spreading of manure.

Clean Water members asked officials in several Door County towns — including Sevastopol, Sturgeon Bay, Nasewaupee and Gardner — to regulate certain types of spraying of liquid manure on farm fields for health reasons.

The Sturgeon Bay Town Board voted Oct. 6 to have town attorney Randy Nesbitt write an ordinance for consideration at its November meeting. Nesbitt has already written regulations for two Kewaunee County communities, town officials said.

Sevastopol supervisors voted in August to have Nesbitt advise them on potential regulations after town resident Victoria Cerenich urged the board to "Keep Sevastopol a great place to live."

While the Kewaunee County Board last month adopted an ordinance restricting spreading manure on frozen ground each winter in areas where top soil is shallow, Door County's Soil Conservation Committee is working to create a set of regulations on a regional basis, working with the new Wisconsin Legislature that will be elected Nov. 4. The Clean Water group claims at least 30 percent of the wells in Kewaunee County are contaminated, principally from manure entering the underground water supply from farms the Wisconsin Department of Natural Resources label as Concentrated Animal Feeding Operations (CAFOs).

While several CAFOs are already operating, Clean Water Action Council President and Executive Director Dean Hoegger, an Algoma resident, said the DNR has approved another 32,000 animal units to the livestock totals in Kewaunee County.

Hoegger said the DNR no longer regulates the CAFOs after Gov. Scott Walker shut down the agency's enforcement office.

CAFO operators in Kewaunee County need places to spread the manure from their operations and are targeting farm fields in Door, Brown and Oconto counties, Hoegger said.

Gardner resident Dr. Peter Sigmann, who practices internal medicine at the Community Clinic of Door County in Sturgeon Bay, said, at a meeting in Nasewaupee last month that spreading manure throughout the growing season could cause health problems for people who live near the fields.

"The medical profession isn't prepared for this," Sigmann said of the potential for illnesses associated with the practice.

Clean Water Action Council is one of a half-dozen Wisconsin environmental groups that filed a joint "Petition for Emergency Action" to enforce the federal Safe Drinking Water Act. The others are Clean Wisconsin, Environmental Integrity Project, Midwest

Environmental Advocates, Midwest Environmental Defense Center and Kewaunee CARES.

"The people of Wisconsin can't keep fighting our own state government to get the help and protections they need to be sure their drinking water is safe," said Midwest Environmental Advocates Executive Director Kimberlee Wright. "The water pollution in Kewaunee County is so serious that we have to ask the federal government to do what our state government can't or won't do."

## **Groups Urging EPA to Crack Down on Farms for Contaminating Water**

Wisconsin Ag Connection - 10/23/2014

A half-dozen environmental groups are asking the federal government to investigate groundwater contamination caused by large dairy farms in Kewaunee County. On Wednesday, the Midwest Environmental Advocates, Midwest Environmental Defense Center, Kewaunee CARES, Clean Wisconsin, Environmental Integrity Project, and the Clean Water Action Council of Northeast Wisconsin issued a petition to the U.S. Environmental Protection Agency asking them to exercise emergency powers under the Safe Drinking Water Act.

Specifically, the groups claim the state's natural resources department is not doing enough to protect drinking water. The Milwaukee Journal Sentinel reports that in 2013, nearly 150 wells that were tested for water quality contained some bacteria or nitrates that exceeded public health standards.

DNR spokesman Bill Cosh says his agency operates its permit programs to meet all requirements of current laws and rules.

Kewaunee County is home to about 200 dairy farms, including 15 concentrated animal feeding operations.



## Groups Ask For Federal Intervention To Protect Kewaunee County Groundwater

Northeastern Wisconsin County Has Had Problems With Nitrate And Bacteria Levels In Drinking Water  
Thursday, October 23, 2014, 12:00pm  
By Chuck Quirnbach

A coalition of environmental groups wants the U.S. Environmental Protection Agency to take emergency action to protect groundwater in Kewaunee County.

The groups have long been after the Wisconsin Department of Natural Resources to do more to address bacteria and nitrate pollution in the groundwater of Kewaunee County. Now the coalition has petitioned the EPA to exercise emergency powers under the Safe Drinking Water Act to investigate the source of the contamination and start enforcement action against the polluters.

Elizabeth Wheeler, an attorney with Clean Wisconsin, said public health in Kewaunee County is at risk.

“Ninety-five percent of the population in Kewaunee County gets their drinking water from private groundwater-fed wells, and 30 percent of those wells are contaminated,” said Wheeler.

Wheeler said large livestock farms are not the sole cause of the contamination but are major contributors. She also said filing the petition 10 days before the November election is not a political move, but one linked to a growing body of evidence of water pollution.

The DNR said it operates its permit programs to meet all requirements of current laws and rules. The EPA is reviewing the coalition's petition.

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# Wisconsin DNR denies dragging feet in investigating groundwater contamination

Thursday, October 23, 2014 7:01 p.m. CDT

WNFL 1440 AM



Wisconsin Department of Natural Resources Logo

KEWAUNEE, WI (WTAQ) - The state DNR denies dragging its feet in regulating safe drinking water for folks in Kewaunee County.

That's after six environmental groups asked the federal EPA to use its emergency powers to investigate groundwater contamination. The EPA says it's reviewing the request.

Kewaunee County is one of the few in Wisconsin where dairy farming has had a large expansion over the past three decades. It now has 15 large scale operations among its 200 dairy farms.

The environmental groups cited DNR figures showing that animal manure in the county produces almost 12.5 million pounds of nitrogen each year.

County tests from last year showed that 31 percent of almost 500 wells had nitrates and-or bacteria which exceeded state and federal health standards.

DNR spokesman Bill Cosh said his agency operates all of its permit programs to meet "current" legal requirements.

Elizabeth Wheeler of Clean Wisconsin said federal action is needed to provide a long-term solution to create safe drinking water for thousands of Kewaunee County residents.

(Story courtesy of Wheeler News Service)

## **Federal EPA Asked To Address Kewaunee County Groundwater Contamination**

10/22/2014 2:00:00 PM  
By Rick Jensen



Claiming that the Department of Natural Resources and other state agencies have failed to address groundwater contamination in Kewaunee County, six environmental groups have filed a petition asking the federal Environmental Protection Agency to step in and look at the situation.

Midwest Environmental Advocates staff attorney Sarah Williams explains the role the EPA may play.

Up to 30 percent of drinking water wells tested in Kewaunee County have unsafe levels bacteria or nitrates. The EPA could require those responsible for the contamination to provide safe drinking water for those properties.

The petition was filed with the EPA today. There is no timeline for an EPA response.

In addition to Midwest Environmental Advocates, petitioners include Clean Wisconsin, The Clean Water Action Council of Northeast Wisconsin, Kewaunee CARES, Midwest Environmental Defense Center and the Environmental Integrity Project.

# EPA petitioned on water quality in Brown & Kewaunee counties

By Fox 11 News Published: October 22, 2014, 11:57 am



File photo (MGN Online/NRCS)

Six environmental groups are asking the EPA for “emergency intervention” to protect private drinking wells in Kewaunee and Brown counties.

An EPA spokesman told Fox 11 the agency is reviewing the petition. He could not provide details on a timeframe when any decision could be made.

Midwest Environmental Advocates, Clean Wisconsin, Environmental Integrity Project, Midwest Environmental Defense Center, Kewaunee CARES and the Clean Water Action Council of Northeast Wisconsin filed the request.

“The people of Wisconsin can’t keep fighting our own state government to get the help and protections they need to be sure their drinking water is safe,” said Kimberlee Wright, Midwest

Environmental Advocates' Executive Director. "The water pollution problem in Kewaunee County is so serious that we have to ask the federal government to do what our state government can't or won't."

Petitioners are asking the EPA to investigate the source of contamination, take action to address the source of the problem, and provide clean drinking water to residents.

The petition comes as several Kewaunee County citizens await a decision by a state administrative law judge on their challenge to a water permit for Kinnard Farms. Groundwater quality concerns are cited in that case, as well.

## **EPA action sought to clean Kewaunee County waters**

Kewaunee County Star-News *11 a.m. CDT October 22, 2014*

Longstanding groundwater contamination issues in Kewaunee County have sparked six groups to petition the Environmental Protection Agency to exercise emergency powers under the Safe Drinking Water Act.

Clean Wisconsin, Environmental Integrity Project, Midwest Environmental Advocates, Midwest Environmental Defense Center, Kewaunee CARES and the Clean Water Action Council of Northeast Wisconsin announced this week they are asking the EPA to investigate the source of contamination and initiate enforcement actions against polluters held accountable.

The Safe Drinking Water Act empowers EPA to step in to provide safe drinking water in an area where contamination poses serious public health threats.

This petition comes a month after the Kewaunee County Board voted to approve an ordinance that limits spreading of manure during winter months on susceptible land areas in an effort to protect local groundwater.

The news release sent on Oct. 22 says the petitioners are asking the EPA to investigate pollutants in Kewaunee County's drinking water to pinpoint safety concerns, create a monitoring system and determine what can be done for sufficient management standards to protect against future contamination. Similar EPA action was taken to help manage nitrates in the groundwater of the Lower Yakima Valley in Washington State in 2012.

The petition for emergency action can be viewed at [www.cleanwisconsin.org/kewaunee-safe-drinking-water](http://www.cleanwisconsin.org/kewaunee-safe-drinking-water).

## Groups Petition EPA to Clean Up Kewaunee County Groundwater

Posted on October 22, 2014 by Danny Allen, WDOR

A half dozen groups are asking the federal EPA to investigate longstanding groundwater contamination issues in Kewaunee County. The groups, Kewaunee Cares, Clean Wisconsin, Environmental Integrity Project, Midwest Environmental Advocates, Midwest Environmental Defense Center, & the Clean Water Action Council of Northeast Wisconsin have jointly filed a petition for emergency action by the Environmental Protection Agency under the Safe Drinking Water Act. The law allows the EPA to step in to provide safe drinking water in an area where contamination poses serious public health threats.

According to the petition, well testing from 2013 revealed that just over 30% of tested wells in Kewaunee County have unsafe bacteria, high nitrate levels, or both. In the request, the groups are asking the EPA to evaluate the “imminent & substantial endangerment to public health in the county” due to pollutants from concentrated animal feeding operations, OR CAFOs, test nearby residential wells, supply a free source of clean drinking water to those whose wells are unsafe, install groundwater monitoring wells, & investigate whether Wisconsin’s nutrient management standards & practices sufficiently protect groundwater from contamination in karst areas like Kewaunee County that have shallow soils & fractured bedrock. To see the full petition click the following link [2014-10-22\\_Kewaunee\\_SDWA\\_Petition\\_to\\_EPA\(1\)](#)

# **WisconsinWatch.org - Wisconsin Center for Investigative Journalism**

October 22, 2014

## **Environmental groups ask EPA to study drinking water pollution from Kewaunee County dairies**

By: Kate Golden

[Read more](#)

See more of the Center's coverage of manure pollution and other water issues.

[Project: Water Watch Wisconsin](#)

### **Updated**

This story was changed 5 p.m. Oct. 23, 2014, to include new responses from the state, EPA and Dairy Business Association.

Citing a rash of contaminated wells in Kewaunee County, a coalition of environmental groups on Wednesday petitioned the U.S. Environmental Protection Agency to use its emergency authority to investigate pollution of groundwater from dairy manure.

The group, a variety of nonprofit or public interest environmental advocacy organizations, includes Clean Wisconsin, Midwest Environmental Advocates, Midwest Environmental Defense Center, the Environmental Integrity Project, Clean Water Action Council of Northeastern Wisconsin, and Kewaunee CARES.

They point to manure from animal agriculture as the leading risk to the region's drinking water supplies and therefore the health of residents, and say state and local authorities have not done enough.



Kate Golden / Wisconsin Center for Investigative Journalism

Environmental groups argue that dairy farming is the leading source of groundwater pollution in Kewaunee County.

“No one should be allowed to do this to another human being. We cannot live without safe water and air,” wrote Lynda Cochart, a county resident and water quality activist, in one of 50 attachments to the petition.

Two Wisconsin Center for Investigative Journalism articles, on manure irrigation and the discovery of hormonal well water, were among the exhibits included with the petition.

The groups are hoping that EPA will act as it did in 2013 in Washington’s Yakima Valley. The EPA, using its authority under the Safe Drinking Water Act, negotiated with five dairies to change their manure handling practices after finding that dairies were the likely source of nitrate pollution.

In Kewaunee County, groundwater is the only source of drinking water for most people. As of June 2013, 31 percent of the wells had tested as unsafe due to nitrates or bacteria, with individual townships ranging from 14 to 51 percent.

Nitrates in water are associated with birth defects and blue baby syndrome, a potentially fatal disease in which babies cannot get enough oxygen to their cells. Bacteria are an indicator for pathogens from human or animal waste that can cause gastrointestinal illness and other problems.

Elizabeth Wheeler, a Clean Wisconsin attorney, said the EPA's first task would be to provide people with clean water. Second, "there's been a lot of finger-pointing" that the agency could clear up, she said.

The largest farms, producing gigantic amounts of manure, have attracted the most controversy. But smaller farms are less regulated. And farmers often point to septic systems, which have also contaminated groundwater, although they account for a fraction of the pollution inputs that manure does.

"Once you identify the source, you can remediate it," Wheeler said.

The state's main dairy lobby, the Dairy Business Association, acknowledged in a Green Bay Press-Gazette op-ed Sept. 17 that the area has a groundwater problem but says that the statistics have been skewed to disproportionately weight data from the towns with the biggest problems, and that singling out land application of wastes "may not" fix the water problems.

"What is really needed is to identify the numerous factors impacting Kewaunee's groundwater," DBA lobbyist John Holevoet wrote.

Holevoet sent this statement Wednesday afternoon:

"The right to petition the government is fundamental and we wholeheartedly support anyone's ability to do so. The petitioners emphasis on CAFOs is misplaced as large farmers are already highly regulated. The end result of the petitioners' efforts may be evidence that supports our position that a serious conversation needs to occur about the impact of unregulated, non-CAFO (concentrated animal feeding operations), farms on the environment. This includes non-dairy farms. This is the only way that we can ensure we all have the clean water necessary."

Kewaunee County officials and the Dairy Business Association did not respond immediately to requests for comment, and EPA declined to comment.

DNR spokesman Bill Cosh said, "DNR operates its permit programs to meet all requirements of current laws and rules."

The petitioners chose Kewaunee County because "the issue is ripe" there, Wheeler said. The county is one of several in northeastern Wisconsin where thin soils and cracked karst bedrock make groundwater vulnerable, and there is a lot of data on the well issues.

While the number of CAFOs — the largest farms, with at least 700 dairy cows — has skyrocketed statewide, Kewaunee is one of just four Wisconsin counties where the number of dairy cows rose in the past three decades, according to DNR records cited in the petition.

The county has about 200 dairy farms, including 15 classified as CAFOs, which are under stricter manure-handling regulations.

Petitioners also cited DNR evidence that the county's cropland has a carrying capacity for 11.3 million pounds of nitrogen, while manure produced there accounts for about 12.4 million pounds — leaving a surplus of about 1.2 million pounds.

In an attempt to prevent further pollution, the Kewaunee County board in September adopted an ordinance to prevent winter and spring waste spreading on areas with 20 feet or less to bedrock. The ordinance was opposed by statewide farming groups, which called it illegal, but it passed 20-0.

The petitioners said the ordinance, which voters must approve in a spring referendum to be enforceable, does not go far enough to solve the area's problems.

A decision is expected soon in a Kewaunee County lawsuit raising similar issues. Residents living near Kinnard Farms sued to force the DNR to impose groundwater monitoring and a cap on the number of cattle at the facility. The DNR argued that Kinnard's plans included some of the most protective safeguards in the state; Kinnard hopes to expand by 55 percent to about 6,200 cattle.

Nitrates and bacteria, the most common well tests, are the contaminants for which there are state and federal health standards. Scientists are also investigating a host of other drinking water contaminants from both animal and human waste that could cause other problems — like disrupting the hormones of people and wildlife, or contributing to the rise of antibiotic-resistant infections.

The story is part of Water Watch Wisconsin, a project supported by The Joyce Foundation that is examining water quality and supply issues statewide.

The nonprofit Wisconsin Center for Investigative Journalism ([www.WisconsinWatch.org](http://www.WisconsinWatch.org)) collaborates with Wisconsin Public Radio, Wisconsin Public Television, other news media and the UW-Madison School of Journalism and Mass Communication. All works created, published, posted or disseminated by the Center do not necessarily reflect the views or opinions of UW-Madison or any of its affiliates.

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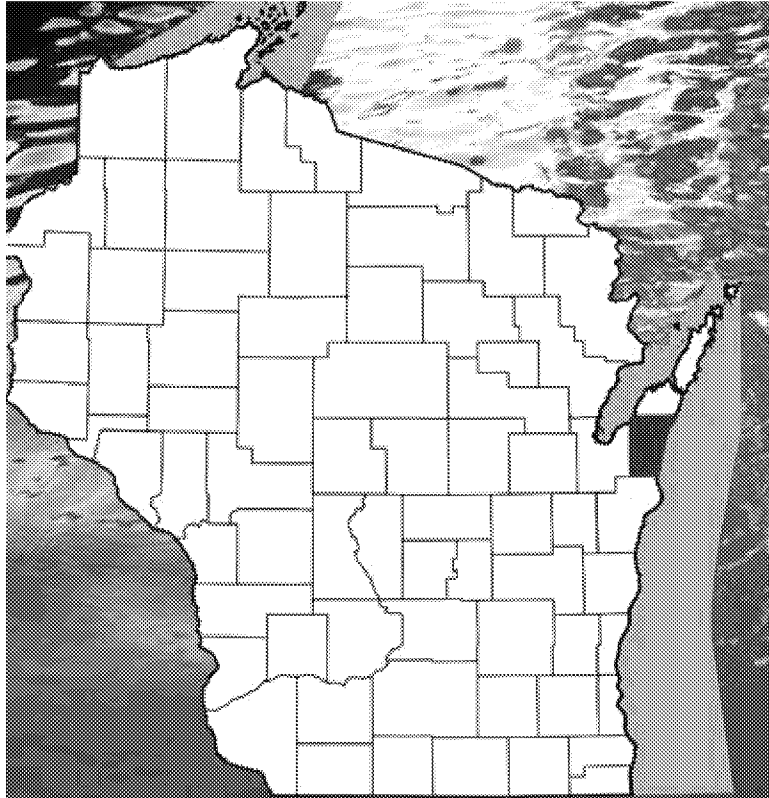
## About Kate Golden



Kate Golden, multimedia director and reporter, specializes in environmental stories and data visualizations.

# **Environmental groups seek federal action to clean up Kewaunee County groundwater**

Written by The Wisconsin Gazette  
Wednesday, 22 October 2014 09:15



Six environmental groups are seeking federal action on longstanding groundwater contamination issues in Kewaunee County, Wisconsin, where roughly 30 percent of tested wells are compromised by bacteria, high nitrate levels, or both.

“Everyone deserves safe, clean and reliable drinking water, but Kewaunee County residents gamble with their health simply by turning on the faucets in their homes,” Elizabeth Wheeler, staff attorney with Clean Wisconsin, said in a news release issued on Oct. 22. “We’re seeking federal action to help create a long-term solution to what’s unfortunately been a long-term problem for thousands of people in the area.”

Clean Wisconsin, Environmental Integrity Project, Midwest Environmental Advocates, Midwest Environmental Defense Center, Kewaunee CARES and the Clean Water Action Council of Northeast Wisconsin have jointly filed a petition for emergency action detailing the need for the U.S. Environmental Protection Agency to exercise its emergency powers under the Safe

Drinking Water Act. That law empowers the EPA to step in to provide safe drinking water in an area where contamination poses serious public health threats.

The petitioners — the environmental groups — are asking the EPA to investigate the source of contamination and initiate enforcement actions against polluters that should be held accountable. The request builds upon ongoing local efforts including the recent 20-0 Kewaunee County Board of Supervisors vote seeking to limit winter manure spreading in the areas most susceptible to groundwater pollution.

“Kewaunee County has for too long been the canary in the coalmine with unchecked contamination in our soils and water, threatening our homes, health and future,” stated Lynn Utesch, a farmer and member of Kewaunee CARES. “The time has come for action, as we’ve hit a state of emergency plaguing our community and threatening human health.”

Portions of Kewaunee County are especially susceptible to groundwater pollution because they have shallow soils overlaying fractured carbonate bedrock, resulting in the rapid movement of contaminants, including bacteria and nitrates, according to Clean Wisconsin. Even a single exposure to salmonella or campylobacter jejuni which has been found in some of Kewaunee County’s wells, has been known to cause serious illness or death. High nitrate levels pose significant risks to children and pregnant women including blue baby syndrome, a life-threatening condition that limits the blood’s ability to carry oxygen to the brain.

“It’s a very disturbing trend to see groundwater contamination continue to rise as the state fails to act,” said Dean Hoegger of the Clean Water Action Council of Northeast Wisconsin. “We need the EPA to step in to protect the citizens of Kewaunee County and other karst regions.”

In the request filed on Oct. 22, the EPA is asked to investigate pollutants in Kewaunee’s drinking water to pinpoint safety concerns, create a monitoring system and determine what can be done for sufficient management standards to protect against future contamination. Similar EPA action was taken to help manage nitrates in the groundwater of the Lower Yakima Valley in Washington State in 2012.

“Clean groundwater is essential to the health and welfare of citizens who rely on it for drinking water,” stated Tarah Heinzen, an attorney with the Environmental Integrity Project, a national organization that provides legal support to grassroots efforts fighting pollution. “EPA must hold polluters accountable for cleaning up Kewaunee County’s drinking water, as it has in other states.”

Despite well-documented pollution, including a comprehensive task force report conducted in 2007, Kewaunee County’s groundwater issues have been largely untouched by local and state officials.

Agriculture is not the sole cause of the contamination but is a major contributor, and intensive agricultural practices are on the rise in Kewaunee County, which has the highest concentration of large livestock confinements of any county in the state. Records show that the animals on Kewaunee’s largest farms, combined, produce the biological waste equivalent of 900,000

humans annually, about nine times the size of the population of the city of Green Bay. Nearly 340 million gallons of liquid manure and more than 81 tons of solid manure is spread annually throughout the county. Kewaunee County farmers own and manage 175,449 acres, or 80 percent, of the county's land.

The petition and supporting documents can be found at [www.cleanwisconsin.org/kewaunee-safe-drinking-water](http://www.cleanwisconsin.org/kewaunee-safe-drinking-water)

# Groups ask EPA to investigate pollution causes by cattle farms

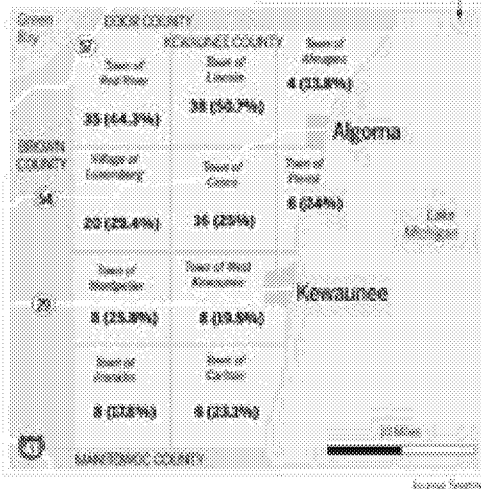
By Lee Bergquist  
Oct. 22, 2014

## **Petition claims Kewaunee wells tainted by farms**

Environmental groups said the U.S. Environmental Protection Agency to exercise emergency powers to investigate groundwater contamination in Kewaunee County, Wis. 31% of the wells tested last year contained bacteria or nitrates — or both — that exceeded state and federal public health standards, according to the petition.

Number of unsafe wells found and percentage that were unsafe

TOTAL UNSAFE WELLS: 149 (30.83%)



Six environmental groups on Wednesday asked the U.S. Environmental Protection Agency to exercise emergency powers under the Safe Drinking Water Act to investigate groundwater contamination in cattle-intensive Kewaunee County in northeastern Wisconsin.

In a petition to the federal agency, the groups say the state Department of Natural Resources has failed to protect drinking water for county residents on two fronts: through its powers to regulate groundwater; and the agency's oversight of large-scale cattle operations.

The environmental groups estimate that the tens of thousands of cattle in the county produce the manure equivalent of more than 900,000 humans — or more than the city of Milwaukee.

Last year, 149 wells, or nearly 31% of the 483 wells tested in the county, contained bacteria or nitrates — or both — that exceeded state and federal public health standards. In the Town of Lincoln, half the wells that were tested exceeded the standard, according to the petition.

The well testing was conducted by the county conservation department and was analyzed by the Center for Watershed Science and Education at the University of Wisconsin-Stevens Point.

"Everyone deserves safe, clean and reliable drinking water, but Kewaunee County residents gamble with their health simply by turning on the faucets in their homes," Elizabeth Wheeler, staff attorney with Clean Wisconsin, said in a statement. "We're seeking federal action to help create a long-term solution to what's unfortunately been a long-term problem for thousands of people in the area."

The petition has political overtones because it comes less than two weeks before the Nov. 4 election between Republican Gov. Scott Walker and Democrat Mary Burke, and environmental groups have complained about lax regulation under Walker.

Environmental groups argue that their petition is not without precedent. In 2013, farmers in Washington state, southeast of Seattle, agreed to reduce nitrate levels after the EPA used drinking water regulations to intervene.

A spokeswoman for the EPA said it was reviewing the Wisconsin petition.

The Milwaukee Journal Sentinel reported this month that the DNR and the agriculture departments have been meeting on ways the agencies can control phosphorus, a pollutant that washes off streets and farm fields.

In a statement, DNR spokesman Bill Cosh said, the "DNR operates its permit programs to meet all requirements of current laws and rules."

Kewaunee County has emerged as ground zero in a debate over sharp growth in dairying in pockets of Wisconsin and whether farmers can adequately protect the land and water from the growing tide of manure.

Manure has long served as a key source of fertilizer for farmland. But in documents filed with the EPA, the environmental groups contend the volume of animal waste generated by farms in Kewaunee County exceeds the land's carrying capacity.

Manure and fertilizer also have been the source of contamination in the state's surface waters, notably algae blooms and the formation of oxygen-deprived dead zones in Green Bay, according to a recent series of stories on the Great Lakes by the Journal Sentinel.

Citing DNR figures in Kewaunee County, the groups said manure from dairy cows, calves, heifers and beef cattle produces 12.4 million pounds of nitrogen annually. But the groups said the 130,228 acres of harvestable acres was able to accommodate about 11.3 million pounds of nitrogen — or a surplus of some 1.2 million pounds.

The DNR says this is misleading because some manure produced on Kewaunee County farms ends up being spread on farms in adjoining counties.

There are about 200 dairy farms in the county, including 15 large-scale farms known as concentrated animal feeding operations, or CAFOs. Farms qualifying as CAFOs have at least 700 milking and dry cows and come under DNR oversight, including a requirement that operators file detailed plans to spread manure.

The number of cattle has grown in the county from 59,800 to 80,000 since 1983, the groups said. Kewaunee County is one of four counties in the state that have experienced an increase in dairy cows between 1983 and 2012.

The growth of the dairying industry is taking place on land that has trouble sustaining so much manure, the groups said. The landscape of Kewaunee County consists of soil overlaying fractured bedrock, which makes it more difficult to prevent manure and water from soaking into the soil and slipping through cracks in the bedrock to reach groundwater.

"Our problem is the ... rock features. That's our problem," said Ron Heuer, chairman of the Kewaunee County Board.

Heuer said he met last summer with DNR Secretary Cathy Stepp, Agriculture Secretary Ben Brancel and others and complained that "we're different here," with some land having as little as 5 feet of soil before reaching bedrock.

Environmentalists have been quick to blame the largest farms, but Heuer said that's unfair. The role of CAFOs can't be ignored, he said, but noted they are under more regulation than smaller farms.

"A cow's a cow, and they all poop and they all pee," Heuer said.

Underscoring the concerns in the county, the board adopted an ordinance unanimously forbidding manure spreading between Jan. 1 and April 15 on land with 20 feet or less of soil depth.

The Wisconsin Dairy Business Association and other farm groups said the ordinance is illegal. The DNR has authority to regulate such activity, not counties, the groups said.

The groups asking help from the EPA are: Clean Wisconsin, Environmental Integrity Project, Midwest Environmental Advocates, Midwest Environmental Defense Center, Kewaunee CARES and the Clean Water Action Council of Northeast Wisconsin.